

HOUSE JOINT RESOLUTION 136: JUVENILE JUSTICE STUDY

SPECIAL EXECUTIVE SUMMARY

House Joint Resolution 136, introduced by Delegate Brian J. Moran and passed during the 2006 Virginia General Assembly Session, directed the Virginia State Crime Commission to study the Virginia Juvenile Justice System over a two year period. Specifically, the Commission was to examine recidivism, disproportionate minority contact with the juvenile justice system, improving the quality of and access to legal counsel based on American Bar Association recommendations, accountability in the courts, and diversion. The Commission was also tasked with analyzing Title 16.1 of the *Code of Virginia* to determine the adequacy and effectiveness of Virginia's statutes and procedures relating to juvenile delinquency.

In the second year of study, Commission staff met with a group of Juvenile and Domestic Relations court (JDR) judges, surveyed Virginia's JDR judges, provided a study update to the Virginia Advisory Committee on Juvenile Justice (VACJJ), met with local juvenile justice professionals around the state, attended Court Service Unit directors' meetings, consulted with multiple juvenile justice professionals and advocacy groups, and attended both national and statewide trainings provided for juvenile justice professionals.

Local Focus Groups and Juvenile and Domestic Relations Court Observations

Staff members visited nine localities during 2007. The localities were selected with the goal of obtaining a diverse geographic and demographic representation to include:

- Augusta County;
- City of Alexandria;
- City of Bristol;
- City of Fairfax;
- City of Richmond;
- City of Virginia Beach;
- Henry County;
- New Kent County; and,
- Roanoke County.

There, they observed Juvenile and Domestic Relations (JDR) court proceedings and participated in focus groups with local JDR professionals. In every locality, all interested parties were invited to send representatives to the focus groups. The following individuals were requested to attend: school representatives, including truancy officers, school resource officers and program directors; Court Service Unit employees, including directors, intake officers and program coordinators; judges, both Circuit and JDR; law enforcement representatives; and any interested parties from juvenile-oriented groups, such as representatives from advocacy or locality specific programs.

Topics discussed included the issues cited in HJR 136, as well as funding, truancy and Children in Need of Services (CHINS), school involvement in the Juvenile Justice System, Mental Health and Mental Resources (MH/MR), transfer, Juvenile Detention Alternatives Initiative (JDAI), collaboration of all local offices involved in juvenile justice, prevention, and parental involvement and accountability. Despite differences of population size and geographic location, all of the localities brought up similar topics and issues.

Juvenile and Domestic Relations Judge Survey

Following the courtroom observations and focus groups, Commission staff met with a work group of Juvenile and Domestic Relations & District court judges to discuss relevant issues faced in the juvenile justice system. A preliminary draft of the judicial survey was given to the judge's workgroup for them to review and make suggestions. The Commission then sent an in-depth survey to all Juvenile and Domestic Relations court (JDR) judges in the Commonwealth during the fall. To date, the response rate stands at 74%. Included in the survey were questions focused on the adequacy of Virginia's statutes, overall perceptions of Virginia's juvenile justice system, and juvenile access to counsel and quality of representation. The surveys are in the final stages of analysis and detailed results are expected this spring.

Court Service Unit Survey

The Crime Commission partnered with graduate students from the School of Public Policy at the College of William and Mary to survey Court Service Unit (CSU) employees. The purpose of the survey was to determine the type of diversion programs available, their effectiveness and their implementation methods. The students were able to send surveys to intake officers from 33 of the 35 Virginia CSUs. Using a web based survey, 51 officers from 15 CSUs responded. While many of the goals of the survey were unable to be further studied due to lack of statewide recording, the survey was able to establish some consistent placement factors used by intake officers. The students completed their survey and presented the findings to Commission staff on December 6, 2007.

Multiple State Survey of Attorneys' Fees

A survey of surrounding states was conducted by staff to compare Virginia's compensation rate of attorneys' fees for court-appointed attorneys in juvenile justice cases. Out of the six states surveyed, Virginia has the lowest reimbursement rate for court appointed attorneys handling juvenile cases. Kentucky is the only state in the survey, like Virginia, that has a fixed cap for court-appointed fees. While Kentucky has fixed caps, the caps are significantly higher than Virginia and range from \$300 to \$900 per case. The other four states in the survey (Maryland, North Carolina, Tennessee, and West Virginia) have no fixed caps and allow for a waiver either by a judicial or administrative official.

The following is a synopsis of each state's compensation rates:

- Virginia has a fixed cap of \$120 per case and allows an extra \$120 with a judge's discretion. An additional waiver may be requested, but requires the approval of both the presiding judge and the chief judge of the court. There is an unlimited cap in capital murder cases.
- Kentucky provides a rate of \$40 per hour with caps ranging from \$300 to \$900, dependent on the type of case. For violent felonies, the hourly rate is \$50 with the caps ranging from \$1,200 to \$1,500.
- Maryland provides an hourly rate of \$50 with waiveable caps dependent on the discretion of agency heads.
- North Carolina's compensation gives an hourly rate of \$65 without caps. The vouchers must be approved by the judge.
- Tennessee's system provides a more elaborate compensation plan dependent on the type of charge and in-court versus out-of-court rates. The compensation rate is \$40 out-of-court and \$50 in-court with the caps ranging from \$3,000 to \$4,000 dependent on the charge. For capital cases, the hourly rate ranges from \$60 to \$100 based on the counsel and location.
- West Virginia provides \$45 per hour for in-court time and \$65 per hour for out-of-court time with ambiguous caps.

Continuation

Because of the detailed information that was produced during the study, another year is needed to fully examine the newly-identified issues in conjunction with the current ones cited in the resolution. The goals for the continuation of the study through 2008 include: ascertaining juvenile justice related training opportunities for Commonwealth's Attorneys and their assistants, examining the role of Commonwealth's Attorneys offices in the J&DR court; determining the training provided for Intake Officers; reviewing juvenile law training provided for Circuit Court judges; discovering truancy patterns and exploring Department of Education programs directed toward truancy issues; determining the number of juveniles identified as having mental health and/or substance abuse needs in detention centers and DJJ correctional facilities; monitoring juvenile justice legislation; re-entry back into the community; and creating a list of proven practices for Court Service Units.

A resolution has been submitted to the 2008 General Assembly requesting a third year of study. The Crime Commission does not intend to submit a report for publication. The third year of the study will conclude with a final report and recommendations.